

REMARKS

Claims 1 and 29 are amended, no claims are canceled, and claims 101-105 are added; as a result, claims 1-4, 29 and 101-105 are now pending in this application.

Applicant submits that the newly added claims do not add new material, and find support in the specification as originally filed, at least at paragraphs [0027], [0028], [0037], and [0040].

Applicant respectfully submits that the amendments to independent claims 1 and 29 render all of the independent claims distinct over the previously cited reference of Zhao et al. (U.S. 6,051,286).

Specifically, Zhao does not disclose or suggest the claimed feature of “...*providing an ion promoting atmosphere comprising at least a precursor gas, a reactant gas, and a chemically inert reactive species promoter gas ...*”, as recited in claim 1, as amended herein. The cited reference discloses helium as a bubbler material for entraining the liquid precursor material, titanium tetrachloride, which is held at a temperature of about 60 deg. (See col. 37, lines 13-30). Since Zhao does not disclose or suggest the use of a reactive species promoter third gas in the plasma atmosphere, then Applicant respectfully submits that claim 1, as amended herein, has at least one recited feature not found in the reference. In similar reasoning, since the reference does not disclose the recited feature of “...*maintaining a pressure and a temperature in a combination of gases comprising at least a precursor gas, a reactant gas, and a chemically inert reactive species promoter gas ...*”, as found in independent claim 29, as amended herein, then claim 29 is distinct over the reference. Again, the reference does not disclose the recited feature of “...*a deposition gas mixture having at least two distinct chemical materials acting as a precursor and a reactant ... and a chemically inert reaction promoter mixed with said deposition gas ...*”, as found in independent claim 101, so claim 101 is distinct over the reference.

The dependent claims 2-4 and 102-105 are held to be patentably distinct over the reference at least as depending from base claims shown above to be patentable over the cited reference. In view of the above claim amendments and discussion, Applicant respectfully requests that claims 1-4, 29 and 101-105 be allowed over the cited references.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SUJIT SHARAN ET AL.

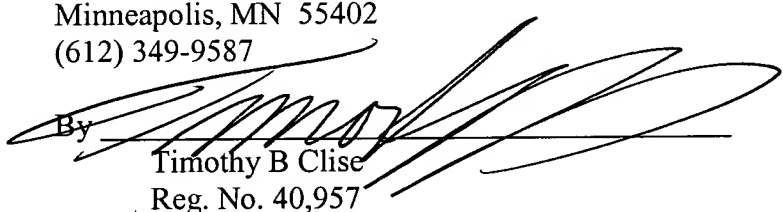
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9587

Date

22 Feb '06

By


Timothy B Clise
Reg. No. 40,957

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Petition, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of February, 2006.

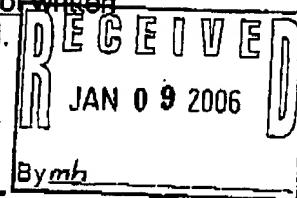
Name

KATE GANWON

Signature

Kate Go

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.



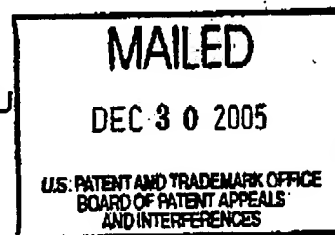
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SUJIT SHARAN AND GURTEJ S. SANDHU

Appeal No. 2005-2215
Application No. 09/825,613

ON BRIEF



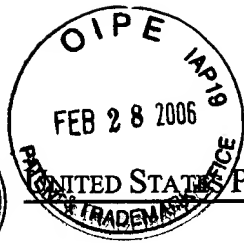
RESP. DUE
2/28/06

Before RUGGIERO, DIXON, and LEVY, Administrative Patent Judges.
RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-4 and 29, which are all of the claims pending in the present application. Claims 5-28 and 30-66 have been canceled.

The disclosed invention relates to a plasma enhanced chemical vapor deposition (PECVD) process in which a substrate is placed in a PECVD chamber. The chamber is maintained under vacuum pressure while a precursor metal-containing deposition gas, a reactant gas, and an ionization enhancer agent are introduced into the chamber, and a plasma is generated from the gases within the chamber. In the particular claimed



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,613	04/03/2001	Sujit Sharan	303.930US4	3511

7590 01/11/2006
Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

SARKAR, ASOK K

ART UNIT PAPER NUMBER

2891

DATE MAILED: 01/11/2006

D ✓ 03/11/06
REVIVAL
COMPLETED

Please find below and/or attached an Office communication concerning this application or proceeding.

PORTFOLIO IP

JAN 18 2006

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PTO-90C (Rev. 10/03)

Schwegman, Lundberg,
Woessner & Kluth, P.A.
JAN 18 2006
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Notice of Abandonment

Application No.

09/825,613

Examiner

Asok K. Sarkar

Applicant(s)

SHARAN ET AL.

Art Unit

2891

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. _____
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 12/30/2005 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Asok Kumar Sarkar
1/9/06

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.